

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on September 7, 2005, and the references cited therewith.

No claims are amended, and no claims are canceled or added; as a result, claims 1 and 3-32 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 3-4, 9, 12-13, 17-20 and 32 were rejected under 35 USC § 103(a) as being unpatentable over Tsai et al (U.S. Patent No. 6,405,149) in view of Ikegami (U.S. Patent No. 6,782,354). Applicant respectfully traverses the rejection as follows.

Applicant does not admit that the Ikegami reference is indeed prior art and reserves the right to swear behind at a later date. Nonetheless, Applicant believes the claims from the present application can be distinguished from the cited references for at least the following reasons.

As presented in the response to the preceding Office Action of April 26, 2005, "The Tsai reference does not describe, teach, or suggest a program that receives a number of input variables including or representing configurable media platform resources." The newly presented Ikegami reference does not cure the deficiencies of the Tsai reference.

In the present Office Action, dated September 7, 2005, the Examiner states that "Tsai et al. did not suggest an input means to provide input variables to the test tool including configurable media platform resources. However, Ikegami suggested such (abstract; Col. 2, lines 55-63)." By stating, "status transitions of the variables under constraint condition of the resources.", the Abstract of Ikegami appears to describe a model using constrained resources as a testing environment. For example, Ikegami describes a restraint condition in which "[T]he number of adders which can be simultaneously used is limited to be 1 from the resource restraint condition." (Col. 9, lines 51-53). Further Ikegami describes that "[W]ith respect to the resource constraint condition related to the register, only 5 sets of registers are available at the same time." (Col. 10, lines 7-10).

In contrast, Applicant's independent claim 1 recites:

wherein to test the various media platform resources the program receives a number of selectable input variables,

including configurable media platform resources to simulate multiple application characteristics associated with a service application on the media platform.

Applicant submits that using “configurable media platform resources” “to simulate multiple application characteristics associated with a service application on the media platform” is not equivalent to Ikegami’s use of “status transitions of the variables under constraint condition of the resources.”

Applicant’s independent claim 9 recites, “wherein the program receives a second number of input variables representing configurable media platform resources.” Applicant’s independent claim 17 recites, “means for simulating configurable media platform resources.” In addition, Applicant’s independent claim 32 recites, “receiving a number of input variables representing configurable media platform resources”.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 9, 17, and 32 is not described, taught, or suggested in the Tsai and Ikegami references, either individually or in combination, and that independent claims 1, 9, 17, and 32 are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 1, 9, 17, and 32, as well as those claims that depend therefrom.

Claims 5-7 and 10-11 were rejected under 35 USC § 103(a) as being unpatentable over Tsai et al (U.S. Patent No. 6,405,149) in view of Ikegami (U.S. Patent No. 6,782,354) and further in view of Coleman (U.S. Patent No. 5,933,475). Applicant respectfully traverses the rejection as follows.

Claims 5-7 and 10-11 depend from independent claims 1 and 9, respectively. Applicant respectfully submits that independent claims 1 and 9 are in condition for allowance. From Applicant’s review of the Coleman reference, the reference does not cure the deficiencies of the Tsai and Ikegami references. That is, Coleman does not describe, teach, or suggest a program receives a number of selectable input variables, including configurable media platform resources to simulate multiple application characteristics, as recited in independent claim 1, nor does Coleman describe, teach, or suggest a program receives a second number of input variables representing configurable media platform resources, as recited in independent claim 9.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 5-7 and 10-11.

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Tsai et al (U.S. Patent No. 6,405,149) in view of Ikegami (U.S. Patent No. 6,782,354) and further in view of Liese et al (U.S. Patent No. 6,425,096). Applicant respectfully traverses the rejection as follows.

Claim 14 depends from independent claim 9. Applicant respectfully submits that independent claim 9 is in condition for allowance. From Applicant's review of the Liese reference, the reference does not cure the deficiencies of the Tsai and Ikegami references. That is, Liese does not describe, teach, or suggest a program receives a second number of input variables representing configurable media platform resources, as recited in independent claim 9.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 14.

Claims 15, 21-24, 26 and 29-31 were rejected under 35 USC § 103(a) as being unpatentable over Tsai et al (U.S. Patent No. 6,405,149) in view of Ikegami (U.S. Patent No. 6,782,354) and further in view of Fitch (U.S. Patent No. 5,633,909). Applicant respectfully traverses the rejection as follows.

Claim 15 depends from independent claim 9. As stated above with regard to independent claim 9, the Tsai and Ikegami references do not describe, teach, or suggest each and every element and limitation of the Applicant's claim. The Fitch reference does not cure the deficiencies of the Tsai and Ikegami references with respect to claim 9. That is, Fitch does not describe, teach, or suggest a "program receives a second number of input variables representing configurable media platform resources", as recited in independent claim 9.

As such, Applicant respectfully submits that each and every element and limitation of claim 9 is not described, taught, or suggested in the Tsai, Ikegami, and Fitch references, either individually or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of claim 15.

Independent claim 21 recites "selecting a number of scalable variables, including inputting configurable media platform resources, to define one or more

application characteristics for different service applications”. Applicant respectfully submits that, at least for the reasons provided above, neither Tsai, Ikegami, and/or Fitch, either independently or in combination describe, teach, or suggest “selecting a number of scalable variables, including inputting configurable media platform resources, to define one or more application characteristics for different service applications”.

As such, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 21, as well as those claims that depend therefrom.

Independent claim 26 recites “providing a second number of input variables to a program representing configurable media platform resources”. From Applicant’s review of the Tsai, Ikegami, and Fitch references, the references do not describe, teach, or suggest “providing a second number of input variables to a program representing configurable media platform resources”.

As such, Applicant respectfully submits that independent claim 26 is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as well as claims 29-31 which depend therefrom.

Claims 27 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Tsai et al (U.S. Patent No. 6,405,149) in view of Ikegami (U.S. Patent No. 6,782,354) and Fitch (U.S. Patent No. 5,633,909) and further in view of Coleman (U.S. Patent No. 5,933,475). Applicant respectfully traverses the rejection as follows.

Claims 27-28 depend from independent claim 26. Applicant respectfully submits that independent claim 26 is in condition for allowance. Independent claim 26 recites “providing a second number of input variables to a program representing configurable media platform resources”. From Applicant’s review of the Tsai, Ikegami, Fitch and Coleman references, the references do not describe, teach, or suggest using “providing a second number of input variables to a program representing configurable media platform resources”.

As such, Applicant respectfully submits that independent claim 26 is in condition for allowance. Accordingly, Applicant respectfully requests

reconsideration and withdrawal of the 103 rejection of independent claim 26, as well as claims 27-28 which depend therefrom.

Claim 8 was rejected under 35 USC § 103(a) as being unpatentable over Tsai et al (U.S. Patent No. 6,405,149) in view of Ikegami (U.S. Patent No. 6,782,354) and Coleman (U.S. Patent No. 5,933,475) and further in view of Liese et al (U.S. Patent No. 6,425,096). Applicant respectfully traverses the rejection as follows.

Claim 8 depends from independent claim 1. Applicant respectfully submits that independent claim 1 is in condition for allowance. From Applicant's review of the Tsai, Ikegami, Coleman and Liese references, the references do not describe, teach, or suggest that a "program receives a number of selectable input variables, including configurable media platform resources to simulate multiple application characteristics".

As such, Applicant respectfully submits that independent claim 1 is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of claim 8 which depends therefrom.

Allowable Subject Matter

Claims 16 and 25 were objected to as being dependent upon a rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges the Examiner indicated allowability of the subject matter in claims 16 and 25.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 14th day of November, 2005.

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